IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1144/06
(Praveen Khatri Vs. Nikita Khatri)

Date of Order : 11/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Vivek Shrimali for the petitioner.
Mr. Rajesh Shah for the non-petitioner.

BY THE COURT:-

Heard learned counsel for the parties. Perused the order impugned.

It is contended by learned counsel for the petitioner that the petitioner is father of non-petitioner and therefore, though liable to pay the maintenance allowance, but the petitioner's wife Sushila who is mother of non-petitioner through whom the non-petitioner has filed an application under Section 125 Cr.P.C., is a Govt. employee earning Rs. 9000/- per month, therefore, mother of the non-petitioner is also liable to contribute in equal proportionate in view of the decision of Hon'ble Supreme Court in Padmja Sharma Vs. Ratan Lal Sharma AIR 2000 SC 1398.

Having regard to the facts and circumstances of the

case and keeping in view the decision of Hon'ble Supreme Court n Padmja Sharma Vs. Ratan Lal Sharma, in my view, the order impugned whereby monthly allowance of interim maintenance @ Rs. 1000/- has been granted, deserves to be modified to the extent that the petitioner is liable to pay the interim maintenance @ Rs. 500/- per month to the non-petitioner and remaining Rs. 500/- per month will be borne by mother of the non-petitioner Smt.Sushila.

Accordingly, the order impugned dated 13.7.2006 passed by Chief Judicial Magistrate, Sirohi is modified to the extent that the petitioner is liable to pay the monthly allowance of interim maintenance to the non-petitioner @ Rs. 500/- from the date of filing of application i.e. 19.7.2004 and remaining Rs. 500/- has to be borne by mother of the non-petitioner Smt. Sushila khatri through whom the non-petitioner has filed the application.

With this modification, the petition stands disposed of. Interim stay order dated 5.9.2006 stands vacated.

(H.R.PANWAR),J.

rp